

STATE OF NORTH CAROLINA

COUNTY OF CUMBERLAND

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO.: 16 CVS 2625

JAROBİ CLARK, a minor, by and through
his Guardian Ad Litem, Mesha Vango; and
MESHA VANGO, individually;

Plaintiffs,

vs.

DAVID BARNES, JR., Teacher; and
THE CUMBERLAND COUNTY
BOARD OF EDUCATION;

Defendants.

**ORDER APPROVING
MINOR SETTLEMENT**

THIS CAUSE, coming to be heard and being heard on the 17th day of April, 2017, before the undersigned Judge presiding over the Superior Court of Cumberland County, North Carolina; the minor Plaintiff, Jarobi Clark, is present in court, and his *Guardian ad Litem* and Plaintiff, Individually, Mesha Vango, is present, along with Plaintiffs' counsel Marshall B. Pitts, Jr., and the Defendants are not present, but are being represented by MARY M. WEBB; and

IT APPEARING to the Court that Mesha Vango is the duly appointed *Guardian ad Litem* for the minor Plaintiff, Jarobi Clark, and has brought this action under the provisions of North Carolina law for damages to the minor; and

IT APPEARING to the Court that this is an action for personal injuries incurred as the result of an incident which occurred on or about April 15, 2013 at Montclair Elementary School in Fayetteville, North Carolina, where the minor Plaintiff was a student, in which the minor Plaintiff allegedly sustained some injury; that the liability of said Defendants, if any, is in doubt; that the Plaintiffs desire to settle and the parties have agreed to forever compromise and settle claims for the amount of EIGHTY - TWO THOUSAND FIVE HUNDRED DOLLARS (\$82,500.00), and payment be made as follows:

1. Defendants shall pay the TOTAL sum of EIGHTY - TWO THOUSAND FIVE HUNDRED DOLLARS to be disbursed as follows:

a. Defendants shall pay the sum of thirty-three thousand dollars (\$33,000.00) to Law Offices of Marshall B. Pitts, Jr. P.C., as attorney fees for valuable legal services rendered to Plaintiffs;

b. Defendants shall pay the sum of fifteen thousand seven hundred ninety-six dollars and fifty-four cents (\$15,796.54) to Law Offices of Marshall B. Pitts, Jr. P.C., for advanced costs;

c. Defendants shall pay the sum of two thousand three hundred ninety-two dollars and eighty-three cents (\$2,392.83) to Medicaid, for satisfaction of the Medicaid lien; and

d. Defendants shall pay the sum of thirty-one thousand three hundred ten dollars and sixty-three cents (\$31,310.63) directly to the Cumberland County Clerk of Superior Court, to be held in trust for the benefit of the minor Plaintiff until he reaches the age of majority.

2. That the terms and conditions of the compromise settlement are more fully defined and set out in the *Settlement Agreement and Release*, which is attached hereto and incorporated herein by reference as if fully set forth, and sets out the rights and obligations of each of the respective parties with regard to said payments; and

3. The Court, finding that said settlement is fair and reasonable, and that it is in the best interest of the minor Plaintiff and his *Guardian ad Litem* to accept said sum of settlement as herein above described; and the Court sanctions and approves said settlement.


NOW, THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED that the Plaintiffs have and recover of the Defendant the total sum of EIGHTY TWO THOUSAND FIVE HUNDRED DOLLARS AND 00/00 (\$82,500.00) payable to the minor Plaintiff and his *Guardian ad Litem* according to the terms set forth above in paragraphs 1, 2, and 3, and more fully in the *Settlement Agreement and Release*;


Payment of the aforesaid total sum of EIGHTY – TWO THOUSAND FIVE HUNDRED DOLLARS (\$82,500.00) constitutes and operates as a full, final, and complete settlement, satisfaction, release, and discharge of any and all claims whatsoever which Plaintiffs, or any other person or persons operating by, for, or through Plaintiffs, may have against the Defendants, or any other person, corporation, or entity, on account of, or in any manner arising out of, or resulting from, the matters and things referred to in the pleadings in this action; this Order shall be and constitutes a perpetual bar to the institution or prosecution of any action or cause of action by or on behalf of the minor Plaintiff or Plaintiffs or any other person or persons claiming by, for, or through Plaintiffs, and resulting from the matters and things referred to in the pleadings in this matter; this matter is hereby dismissed with prejudice and the costs of this action shall be taxed against the Defendants.

This the 17th day of April, 2017.


SUPERIOR COURT JUDGE PRESIDING

WE CONSENT:


MESHA VANGO, Plaintiff, Individually, and
as Guardian ad Litem and Natural Parent of
minor Plaintiff, JAROBI CLARK


MARSHALL B. PITTS, JR.
Attorney for Plaintiffs


MARY M. WEBB
Attorney for Defendants